App. No. 10/063,990

**REMARKS - General**

The basis for both Gregorek (US 5.557.658) and Marino's (US 4,850,007) patents is the act of connecting parties while the Applicant's patent application is the act of what takes place after that connection is made. Gregorek is providing an ad based on the callers phone number, location, time of day etc. This does not in any way address the very key and novel feature to the Applicant's patent in that it goes much deeper into the consumer and find what they are interested in at that very moment.

The Applicant's invention detects directly from the caller, what they wish to purchase and play an advertisement based on their request. This request must be made and not perceived as with Gregorek or it is in now way targeted to the consumers request but simply regionalized advertisements being played over the phone instead of any other medium.

The same applies to Marino which is to say that it is just playing an ad to a consumer and it is determining which ad to play based on outside data and not specific to the purpose of the callers request. The ads are no different from once place on certain billboards in certain cities and taken down or put up at night and in the day.

The criteria used by both inventors to play an ad and the choice of which ad to play does not specifically require the callers input and therefore the data or advertisement being played is generalized.

The Applicant's invention is a "pay per play-targeted advertising-directory assistance." It is not as Marino and Gregorek are non targeted, generalized advertisement played over a phone line instead of a radio or TV. The difference in being able to deliver targeted ads at the point of purchase and generalized ads to all callers from a certain location or time of day is acutely significant and novel.

A highly honed tool compared to a rock affixed to a stick is the very equivalent of the difference to this type of patent. A hammer is a highly evolved rock on a stick that works much better but in the end is a weighted object at the end of another less weighted object.

The hammer is patentable because of its highly evolved state and so is the delivering of an ad based on the directory assistance listing request of a caller.

The Gregorek patent refers to a generally continuous prerecorded announcement. The Applicant's invention is a highly specific message targeted to a specific caller, an individual caller. The ad is not a streaming ad played on a network for all to see or hear.

The Gregorek patent refers to a transmitting a dial tone signal to the first station while the Applicant's application does not involve dial tone and carrying phone service but processing a completed call.

The Gregorek patent it refers to playing at least one generally continuous announcement to the party at the first station in lieu of the dial tone signal. The Applicant's application does not provide dial tone signal nor does our patent replace the signal but only takes affect after the call is completed.

The Gregorek patent it refers to modifying an existing communications network while the Applicant's invention does not in anyway modify the callers network and only process data once a call has been successfully made.

The Gregorek patent it refers to modifying a portion of the processing software of the existing communications network. The Applicant's application only deals with existing networks and completed calls it does not modify the callers network by use of software or otherwise.

The Gregorek patent refers to waiting to reconnect to a call with an identified called station while the Applicant's invention does not connect users to the same station in a forum or chat room type environment and only takes place once a typical call is placed and received and over existing, not modified network facilities. It does not require specific network facilities.

The Gregorek patent it refers to playing at least one generally continuous announcement to the third station in lieu of transmitting a call progress signal to the third station. The Applicant's invention does not play an announcement in lieu of a signal but only after a call is made and received and the call is in progress. In lieu of a signal implies that hearing the advertisement is a prerequisite for the call itself. This is a key and novel difference.

In the Gregorek patent the patent is claimed to be for the purpose of providing network access in exchange for listening to an ad. Only after listening to ads will the network access be granted.

The Applicant's invention is a way by which directory assistance is accessed and an advertisement of a highly specialized and similar nature to the accessed directory data is offered up not in exchange for anything but in addition to the requested data to allow for alternatives by the consumer.

What makes this patent so unique and unlike any other is that it plays an ad that matches the scope of interest of a consumer at the moment they are about to make a buying decision. The ad must be highly specific to the callers requested listing as it will be an alternative to the callers listing request and not simply in addition to as a generalized ad might be.

Our patent is a method for delivering directory assistance. The fact that we both provide an advertisement and that it is delivered via a medium known as Telecommunications the only purpose for comparing the two.

The Marino patent is a method for providing telecom access while the Applicant's invention is is a method for directory assistance service in which directory assistance data is delivered to a user and matched with an alternate choice of data based on the requested data.

As to claim 3 and 4 the user geographic location only comes into play once the call has been made and network access has been established. Gregorek would limit access to our patent but not provide the end services after network access has been provided an end user. To claim that Gregorek is similar to our patent simply because it uses geographic caller data such as ANI and time and date is in not way a reasonable comparison as Gregorek only provides station to station access or toll services in exchange for advertisements. This is very similar to Marino in that the patent is a means by which to provide network access and does not patent the services or methods by which to offer those services after the calls has been completed. The Gregorek patent could be used in connection with our patent but could not in anyway replace it.

Gregorek patent provides for an ad to be played during a toll call in exchange for the end user having to pay for the call. This patent is for a means of delivering toll services. Our patent delivers data once the toll service has been established and does not seek to deliver toll services or network access in any way.

As to claims 5 and 8: user is requesting directory assistance and toll services. In this case directory assistance is only referred to as a separate means of charging for toll services as DA is not charged per minute but per instance and thus any reference to this in the Marino patent is to expand on the nature of charges it seeks to obtain and specifically not services it seeks to administer. The Marino patent is: "a method for charging for telecom access" not providing the end services once access has been provided.

The Marino patent only seeks to provide "the invention by providing an economical telephone toll service in" which is the means by which our patent might be accessed yet it does not provide any means for delivering end user services nor does any part of Marino claim to patent a method of delivering

specialized data but exclusively refers to "directory assistance" as an alternative type of toll service for which it's patent might apply.
Neither Gregorek and Marion patents claim in form of patent on a method of delivering directory assistance data but exclusively refer to the network access to obtaining toll charges and directory assistance services.

Both the Marino and Gregorek patents refer to a means by which network access is granted, delivered and charged for. Once that step in a call is passed then the call itself is where our patent comes in to effect. The Applicant's invention refers to a means by which to deliver data which could be other than telecom network, it could be delivered via Morse code, smoke signal or sign language. Our patent is specifically a means by which to match data with requested data. The networks it passes over and the charges associated with those networks are not relevant to this patent claim.

Also applicants have rewritten all claims to define the invention more particularly and distinctly so as to overcome the technical rejections and define the invention patentably over the prior art.

**Conclusion**

For all of the above reasons, applicant submits that the specification and claims are now in proper form, and that the claims all define patentably over prior art. Therefore the applicant submits that this application is now in condition for allowance, which action is respectfully solicited.

Respectfully submitted,

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I hereby certify I have transmitted this paper by fax to the Patent and Trademark Office at 571-273-8300 on 2005, August 4.

2005, August 4.

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